

REMARKS/ARGUMENTS

Claims 31 - 37 remain in this application. Claims 31-37 are rejected. Claim 31 is amended herein. Claims 1 - 30 which were previously withdrawn as a result of an earlier restriction requirement have now been canceled. New claims 38-40 have been added herein.

1. Drawings

The Examiner is thanked for the indication in the accompanying form PTOL-326 that the formal drawings previously submitted have been approved.

2. § 112 Rejections

The Examiner has rejected Claims 31-37 under 35 U.S.C. § 112, second paragraph, as being indefinite. Examiner states there is "insufficient linkage and definition of what the gas mixture contains besides the halogen in relation to the coating claimed."

The rejection is respectfully traversed. As amended, it is made clear that the gas mixture includes a silica precursor, such as SiCl_4 for example. Further, as now claimed it is made clear the first and second sections contain silica. See Page 5, line 1 for support.

3. § 103 Rejections

The Examiner has rejected Claims 31-37 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Yokoyama et al. U.S. Patent No. 6,535,679 in view of Ishiguro et al. U.S. Patent No. 5,022,904, Hoshikawa et al. 4,693,738 or Ishikawa et al. 6,116,055.

Yokoyama et al. teach a VAD or OVD method for producing a porous preform. The preform includes in one embodiment, an inner cladding 30 and an outer cladding 40, each including Cl. In another embodiment, the preform includes an inner cladding 30 and an outer cladding 40, each including F. However, Yokoyama et al. does not teach or suggest coating the inside of the glass tube to form the first section, and then second

coating the first section to form the second section wherein the first section has a concentration of a first halogen and the second section has a concentration of a second halogen and wherein the first and second halogen comprise a different composition.

Accordingly, the rejection should be withdrawn. See Page 8, lines 8-17 for support. No new matter is added. It should be recognized that Ishiguro, Hoshikawa and Ishikawa et al. outside vapor deposition (OVD) methods and, therefore, do nothing to remedy the deficiencies in Yokoyama et al.

4. New Claims

New Claims 38-40 are added herein. New dependent Claims 38-40 are allowable for at least the reasons given for Claim 31. See page 6, line 18 through page 7, line 5 for support for claim 38. See page 5, lines 14-15 for support for Claim 39. See page 7, lines 6-18 for support for Claim 40. No new matter is added.

5. Conclusion

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

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Amdt. Dated: August 17, 2004
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Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

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